



**~~DISCIPLINARY GUIDELINES~~**  
**MODEL GUIDELINES FOR ISSUING CITATIONS**  
**AND IMPOSING DISCIPLINE**

*Physical Therapy Board of California*

*Department of Consumer Affairs*

# Physical Therapy Board of California

## ~~Disciplinary Guidelines~~

### Model Guidelines for Issuing Citations and Imposing Discipline

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2<sup>nd</sup> Edition

**STATE OF CALIFORNIA**  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
~~DISCIPLINARY GUIDELINES~~  
MODEL GUIDELINES FOR ISSUING CITATIONS  
AND IMPOSING DISCIPLINE  
*2<sup>nd</sup> Edition Adopted May 11, 2004*

**TABLE OF CONTENTS**

Statement of Purpose, Intent & Expectations .....	
Citations and Fine Order .....	
Public Reproval .....	
Disciplinary Guidelines Specific to Violation .....	
Business and Professions Code.....	
Health and Safety Code.....	
California Code of Regulations.....	
Standard Probation Conditions .....	
Specific Conditions of Probation .....	
Glossary of Terms .....	
Index .....	
Alphabetical Violation Index .....	
Violation Code Index .....	

## Statement of Purpose, Intent & Expectations

The purpose of licensure of physical therapists and ~~approval of physical therapist assistants~~ in the State of California is to protect the public's health, safety and welfare from the incompetent and unprofessional practice of physical therapy. ~~When it has been determined that a violation of the Practice Act has occurred, disciplinary action against the licensee is necessary to ensure public protection.~~ The challenge that these guidelines address is ~~to~~ that they provide consumer public protection and enable the licensee to practice their profession in a controlled environment, if possible. In addition to protecting the public and, where not inconsistent, rehabilitating the licensee, the Physical Therapy Board finds that imposition of the discipline set forth in the guidelines will promote uniformity, certainty and fairness, and deterrence, and, in turn, further public protection.

The Physical Therapy Board of California produced ~~These~~ this 2<sup>nd</sup> edition of the Manual of Disciplinary Guidelines ~~disciplinary guidelines were created for the public, and those subject to issuance of a citation and fine, as well as those involved in the disciplinary process: Administrative Law Judges, Deputy Attorneys General, Members of the Board who review proposed decisions and stipulations and make final decisions, and its Executive Officer and staff, and respondents and their counsel. When an Initial Probationary License has been issued or a Statement of Issues or an Accusation has been filed, it has already been determined that the nature of the alleged violation is severe enough to preclude the issuance of an administrative citation. An administrative citation is not discipline and is issued for less egregious violations that would not warrant discipline in order to protect the public.~~

All violations of the Physical Therapy Practice Act are misdemeanor violations and some are felony violations; therefore, criminal charges should be sought when appropriate.

When criminal charges are alleged and there is an immediate need to protect the public, application of Penal Code 23 shall be sought. If a violation is not a criminal offense but still poses an immediate threat to public safety an Interim Suspension Order shall be sought.

The Board has some basic expectations when an Administrative Law Judge determines that the allegations are true and that a basis for discipline exists. These include:

- 1) If at the time of hearing, the Administrative Law Judge finds that the respondent, for any reason, is not capable of safe practice, the Board expects the outright revocation of the license. This is particularly true in cases of patient sexual abuse. In less egregious cases, a stayed revocation with suspension and probation pursuant to the guidelines contained in this ~~booklet~~ manual would be expected.

- 2) The Board expects that revocation is normally the appropriate order in cases where the respondent is in default.
- 3) When probation is granted, the inclusion of a stayed revocation order is essential to ensure compliance with terms of probation.
- 4) The Board expects that when the revocation of a license is stayed, there should be a suspension of the license. A suspension, where imposed, should not be for less than ~~30 days~~ indicated in the guidelines. Community service may be substituted in whole or in part for the suspension.
- 5) The Board expects that the decision will include an order for cost recovery.

The Board recognizes that a rare individual case may necessitate a departure from these guidelines for disciplinary order. Any proposed decision or settlement that departs from the disciplinary guidelines shall identify the departures and the facts supporting the departure. However, in such a rare case, the mitigating circumstances must be detailed in the Findings of Fact, which is in every Proposed Decision or Stipulation.

Probation conditions are divided in two categories: 1) Standard Conditions that generally appear in all probation cases; and 2) Specific Conditions that depend on the nature and circumstances of the particular case.

## CITATION AND FINE ORDER

A Citation and Fine Order is an alternative means by which the Physical Therapy Board of California can address relatively minor violations that would not necessarily warrant discipline in order to protect the public. Citation and Fine Orders are not disciplinary actions, but are matters of public record. The citation and fine program increases the effectiveness of the Board's consumer protection process by providing a method to more effectively address less egregious violations. Citable violations and the range of fines can be located in section 1399.26 of the California Code of Regulations, Title 16, Division 13.

A Citation and Fine Order typically contains a description of the violation, an Order of Abatement which directs the subject to discontinue the illegal activity, a fine (based on the gravity of the violation, intent of the subject, and the history of previous violations), and procedures for appeal. Payment of a fine does not constitute an admission of the violation charged, but serves as a satisfactory resolution of the Citation and Fine Order.

After a Citation and Fine Order is issued, the respondent may:

- Pay fine/comply with Order of Abatement and case is closed.
- Appeal Citation and Fine Order and request an informal conference (if warranted due to mitigating circumstances). Outcome of informal conference could result in modification, withdrawal or remain as originally issued.
- Request an Administrative Hearing in appeal of the Citation and Fine Order or informal conference decision.

Failure to pay a fine, unless the citation is being appealed, may result in disciplinary action. Where a citation is not contested and a fine is not paid, the fine shall be added to the fee for renewal of the license.

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## PUBLIC REPROVAL

The Board is authorized by Section 495 of the Business and Professions Code to publicly reprove a physical therapist or physical therapist assistant for a violation of the Physical Therapy Practice Act. The issuance of a public reproof as part of a disciplinary order may be considered when the following circumstances exist:

1. The offense is an isolated incident.
2. Sufficient time has elapsed since the offense without further violations that would indicate that a recurrence is unlikely.
3. The respondent has admitted to the offense.
4. The respondent has indicated remorse.
5. There had not been prior discipline for a similar violation.
6. In the case of an offense related to substance abuse, active participation in a recovery program has been documented for at least one year without a relapse.

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# ~~DISCIPLINARY~~ GUIDELINES SPECIFIC TO VIOLATION

The following offenses are listed in the chronological order of the statutory numbers in the Business and Professions Code (B&P Code) or the California Code of Regulations (CCR). There also are some Health and Safety Codes (H&S) cited as violations because they affect the practice of physical therapy. B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite violations of the Medical Practice Act; therefore whenever violations of the Medical Practice Act are cited B&P Code 2660(i) must also be cited. Violations of the B&P Code or the CCR shall result in the issuance of a Citation, Initial Probationary License, filing of a Statement of Issues or an Accusation. Filing of criminal charges shall be sought when appropriate.

## **BUSINESS AND PROFESSIONS CODE**

### **SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM**

#### **B&P CODE 123**

**Citation:**

Minimum Fine:            \$100

Maximum Fine:         \$5,000

Note: This issuance of an administrative citation is for unlicensed persons only.

**Discipline:**

Minimum:                Public Reproval

Maximum:               Revocation

Specific Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, G, H, K

*Also may cite: B&P Code 496 [page]*

### **CONVICTION OF A CRIME - SUBSTANTIAL RELATIONSHIP REQUIRED**

#### **B&P CODE 490**

**Citation:**

Minimum Fine:            \$100

Maximum Fine:         \$5,000

**Discipline:**

Minimum:                Public Reproval

Maximum:               Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, G, H, O, S, T, V

*Also may cite: B&P Code 2236 [page] and 2660(i)<sup>1</sup> [page], 2660(d) [page], 2661 [page]*

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<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

COMPLIANCE WITH CHILD SUPPORT ORDERS AND JUDGMENTS  
B&P CODE 490.5

**Citation:**

Minimum Fine:                \$100  
Maximum Fine:            \$5,000

VIOLATION OF EXAM SECURITY B&P CODE 496

*Also may cite: B&P Code 123 [page]*

LICENSURE BY FRAUD B&P CODE 498

**Discipline:**

Revocation or Denial of License

FALSE STATEMENTS ON APPLICATION B&P CODE 499

*Also may cite: B&P Code 498 [page]*

SALE OF DEGREE B&P CODE 580

~~In addition to the filing of an Accusation or Statement of Issues, the filing of felony criminal charges shall be sought.~~

~~Minimum Penalty:~~                ~~Revocation~~

**Discipline:**

Revocation or Denial of License

UNLAWFUL PROCUREMENT OR ALTERATION B&P CODE 581

~~In addition to the filing of an Accusation or Statement of Issues, the filing of felony criminal charges shall be sought.~~

~~Minimum Penalty:~~                ~~Fraudulent Use for Oneself                Revocation~~  
   ~~Fraudulent Use for another Revocation, stayed, 180 days,~~  
   ~~suspension,~~  
   ~~5 years probation~~

~~Maximum Penalty:~~                ~~Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 4, 6, 7, 11, 19, 22, 25~~

*Also may cite: B&P Code 498 [page]*

## USE OF FRAUDULENT RECORDS B&P CODE 582

~~In addition to the filing of an Accusation or Statement of Issues, the filing of felony criminal charges shall be sought.~~

~~Minimum Penalty:~~                      ~~Revocation~~

### **Discipline:**

Revocation or Denial of License

## FALSE STATEMENTS IN AFFIDAVITS B&P CODE 583

~~In addition to the filing of an Accusation or Statement of Issues, the filing of felony criminal charges shall be sought when appropriate.~~

~~Minimum Penalty:~~                      ~~Revocation, stayed, Suspension 1 year, 5 years probation~~

~~Maximum Penalty:~~                      ~~Denial or revocation of licensee~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 4, 6, 7, 8, 11, 25~~

### **Discipline:**

Minimum:                      Revocation, stayed, 30 days suspension, 3 years probation

Maximum:                      Denial or revocation of licensee

Conditions of Probation in Addition to Standard Conditions: A, D, E, F, T

## IMPERSONATION AT EXAMINATIONS B&P CODE 584

~~In addition to the filing of an Accusation or Statement of Issues, the filing of felony criminal charges shall be sought when appropriate.~~

~~Minimum Penalty:~~                      ~~Revocation or Denial of License~~

### **Discipline:**

Revocation or Denial of License

## CONSIDERATION FOR REFERRALS PROHIBITED B&P CODE 650

~~Minimum Penalty:~~                      ~~Revocation, stayed, Suspension of 30 days, 3 years probation~~

~~Maximum Penalty:~~                      ~~Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 11, 25~~

### **Citation:**

Minimum Fine:                      \$100

Maximum Fine:                      \$5,000

### **Discipline:**

Minimum:                      Revocation, stayed, 30 days suspension, 3 years probation

Maximum:                      Revocation

Conditions of Probation in Addition to Standard Conditions: T

## ~~MISLEADING ADVERTISING B&P CODE 651, 2271~~

~~Violations of section 651 B&P shall result in the issuance of an administrative citation or an accusation. Determining factors are the severity of the violation and past violations.~~

~~Violation of Section 2271 B&P shall result in the issuance of an accusation.~~

~~Citation (651 B&P) Minimum Fine \$100, Maximum Fine \$2500~~

~~Accusation:~~

~~Minimum Penalty: Revocation, stayed, 30 days suspension, 3 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 6, 7, 11, 25~~

## ADVERTISING VIOLATIONS B&P CODE 651

### Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

### Discipline:

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: F, T

*Also may cite: B&P Code 2260(A) [page], 2272 [page] and 2660(i)<sup>1</sup> [page], 2660(a) [page], H&S 17500 [page], CCR 1398.10 [page]*

## DISCLOSURE OF NAME AND LICENSE STATUS B&P CODE 680

### Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

*Also may cite: CCR 1398.11 [page]*

<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act.

## EXCESSIVE TREATMENTS B&P CODE 725

~~Minimum Penalty: — Revocation, stayed, suspension of 30 days, 3 years probation~~

~~Maximum Penalty: — Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 4, 7, 8, 11, 21, 25~~

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, D, E, F, G, H, M, T, U

*Also may cite: B&P Code 2234(b) [page] and 2660(i) <sup>1</sup> [page], 2660(h) [page]*

## SEXUAL MISCONDUCT B&P CODE 726

~~Minimum Penalty: — Revocation, stayed, 180 days suspension, 3 years probation~~

~~Maximum Penalty: — Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 2, 3, 4, 5, 6, 8, 9, 11, 14, 22, 25~~

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, C, D, E, F, H, I, O, T, V

*Also may cite: B&P Code 2660.1 [page]*

## INSURANCE FRAUD – UNPROFESSIONAL CONDUCT B&P CODE 810

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

### **Discipline:**

Minimum Penalty: Revocation, stayed, 30 days suspension, 3 years probation

Maximum Penalty: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, G, H, T

*Also may cite: B&P Code 2261[page]*

<sup>1</sup> B&P 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act

## MENTAL OR PHYSICAL ILLNESS B&P CODE 820

*Minimum Penalty:* ~~Revocation, stayed, Suspension until capable of practicing safely, Probation shall continue at least one year following return to practice.~~

*Maximum Penalty:* ~~Revocation~~

*Conditions of Probation in Addition to Standard Conditions:*

Mental Illness: ~~1, 5, 8, 10, 11, 14, 22, 23, 24, 25~~

Physical Illness: ~~1, 5, 8, 10, 11, 23, 24, 25~~

### **Discipline:**

Minimum: Revocation, stayed, Suspension until capable of practicing safely. Probation shall continue at least one year following return to practice.

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions

Mental Illness: A, B, C, D, E, H, J, M, O, V, W, X

Physical Illness: A, E, H, J, V, W

## NUTRITIONAL ADVICE B&P CODE 2068, 2660(i)<sup>1</sup>

### **Citation:**

Minimum Fine \$100

Maximum Fine \$5,000

## GROSS NEGLIGENCE B&P CODE 2234(b), 2660(i)<sup>1</sup>

~~In addition to the filing of an Accusation the filing of misdemeanor criminal charges shall be sought when appropriate.~~

*Minimum Penalty:* ~~Revocation, stayed, 30 days suspension or until proficiency to practice~~

~~safely is determined, 3 years probation~~

*Maximum Penalty:* ~~Revocation~~

*Conditions of Probation in Addition to Standard Conditions:* ~~1, 2, 4, 5, 8, 10, 11, 14, 20, 21, 24, 25~~

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension or until proficiency to practice safely is determined, 3 years probation following return to practice.

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M, O, T, U

See B&P Code 725 [page]

<sup>1</sup> B&P 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act



## REPEATED NEGLIGENT ACTS B&P CODE 2234(C), 2660(i)<sup>1</sup>

In addition to the filing of an Accusation the filing of misdemeanor criminal charges shall be sought when appropriate.

*Minimum Penalty:* ~~Revocation, stayed, 30 days suspension or until proficiency to practice~~

~~safely is determined, probation shall continue at least three years following return to practice~~

*Maximum Penalty:* ~~Revocation~~

*Conditions of Probation in Addition to Standard Conditions:* ~~1, 2, 4, 6, 8, 10, 11, 12, 14, 20, 21, 25~~

### **Citation:**

Minimum Fine \$100

Maximum Fine \$5,000

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension or until proficiency to practice safely is determined, 3 years probation following return to practice.

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M, O, T, U

## INCOMPETENCE B&P CODE 2234(d), 2660(i)<sup>1</sup>

In addition to the filing of an Accusation the filing of misdemeanor criminal charges shall be sought when appropriate.

*Minimum Penalty:* ~~Revocation, stayed, 30 days suspension or until proficiency to practice~~

~~safely is determined, probation shall continue at least three years following return to practice.~~

*Maximum Penalty:* ~~Revocation~~

*Conditions of Probation in Addition to Standard Conditions:* ~~1, 2, 4, 6, 8, 10, 11, 12, 14, 20, 21, 25~~

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension or until proficiency to practice safely is determined, 3 years probation following return to practice.

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, H, J, K, M, O, T, U

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<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act

## PROCURING LICENSE BY FRAUD B&P CODE 2235, 2660(i)<sup>1</sup>

~~In addition to the filing of an Accusation the filing of misdemeanor criminal charges shall be sought when appropriate.~~

~~Minimum Penalty:~~      ~~Revocation~~

### **Discipline:**

Revocation is the only suitable discipline in as much as the license would not have been issued but for the fraud or misrepresentation.

## CRIMINAL CONVICTION B&P CODE 2236, 2660(i)<sup>1</sup>

~~Minimum Penalty:~~      ~~Revocation, stayed, Suspension of 30 days, 3 years probation~~

~~Maximum Penalty:~~      ~~Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 2, 4, 5, 8, 11, 25~~

See B&P Code 490, [page]
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## CONVICTION RELATED TO DRUGS B&P CODE 2237, 2660(i)<sup>1</sup>

~~Minimum Penalty:~~      ~~Revocation, stayed, 30 days suspension, 3 years probation~~

~~Maximum Penalty:~~      ~~Revocation~~

~~**NOTE: — Outright revocation for conviction of illegal sales of controlled substances — unless extensive mitigation appears.**~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 2, 4, 5, 8, 11, 13, 14, 15, 16, 17, 18, 19, 22, 25~~

### **Discipline:**

Minimum:      Revocation, stayed, 30 days suspension, 3 years probation

Maximum:      Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, N, O, P, Q, R, S, T, V

<u><b>NOTE:</b></u> <u>Outright revocation for conviction of illegal sales of controlled substances unless extensive mitigation appears.</u>
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<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act

## VIOLATION OF DRUG STATUTES B&P CODE 2238, 2660(i)<sup>1</sup>

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, N, O, P, Q, R, S, T, V

NOTE: Outright revocation for conviction of illegal sales of controlled substances unless extensive mitigation appears.

## SELF ABUSE OF DRUGS B&P CODE 2239, 2660(i)<sup>1</sup>

In addition to the filing of an Accusation the filing of misdemeanor criminal charges shall be sought when appropriate.

Minimum Penalty: Revocation, stayed, Suspension until the ability to practice safely is determined, Community Service, Participation in Diversion Program, Five years probation or until satisfactory completion of the Diversion Program, whichever is longer.

Maximum Penalty: Revocation

Conditions of Probation in Addition to Standard Conditions: 1, 2, 4, 5, 8, 11, 13, 14, 15, 16, 17, 18, 19, 22, 25

Minimum: Revocation, stayed, Suspension until the ability to practice safely is determined, Community Service, Participation in Diversion Program, 5 years probation or until satisfactory completion of the Diversion Program, whichever is longer.

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, H, K, M, N, O, P, Q, R, S, T, V

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<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act

## MAKING FALSE DOCUMENTS B&P CODE 2261, 2660(i)<sup>1</sup>

~~Violations of this section shall result in the issuance of an administrative citation or an Accusation. Determining factors are the severity of the violation and past violations.~~

~~In addition to the filing of an Accusation or an administrative citation, the filing of misdemeanor criminal charges shall be sought when appropriate.~~

~~Citation: Minimum Fine \$1,100, Maximum Fine \$2500~~

~~Accusation:~~

~~Minimum Penalty: Revocation, stayed, 90 days suspension, 5 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 2, 4, 5, 6, 7, 8, 11, 19, 25~~

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, D, E, F, G, H, T

*See B&P Code 810, [page]*

## ALTERATION OF MEDICAL RECORDS B&P CODE 2262, 2660(i)<sup>1</sup>

~~Violations of this section shall result in the issuance of an administrative citation or an Accusation. Determining factors are the severity of the violation and past violations.~~

~~In addition to the filing of an Accusation or an administrative citation, the filing of misdemeanor criminal charges shall be sought when appropriate.~~

~~Citation: Minimum Fine \$1,100, Maximum Fine \$2500~~

~~Accusation:~~

~~Minimum Penalty: Revocation, stayed, 90 days suspension, 5 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 4, 7, 8, 11, 25~~

### **Citation:**

Minimum Fine: \$100,

Maximum Fine: \$5,000

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, D, G, H, T

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<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act

## **VIOLATION OF PROFESSIONAL CONFIDENCE B&P CODE 2263, 2660(i)<sup>1</sup>**

~~Violations of this section shall result in the issuance of an administrative citation or an Accusation. Determining factors are the severity of the violation and past violations.~~

~~In addition to the filing of an Accusation or an administrative citation, the filing of misdemeanor criminal charges shall be sought when appropriate.~~

~~Citation: Minimum Fine \$100, Maximum Fine \$1,000~~

~~Accusation:~~

~~Minimum Penalty: Revocation, stayed, 30 days suspension, 3 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 8, 21, 25~~

**Citation:** Minimum Fine \$100, Maximum Fine \$5,000

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: I

## **AIDING AND ABETTING UNLICENSED PRACTICE B&P CODE 2264, 2660(i)<sup>1</sup>**

~~Violations of aiding and abetting unlicensed practice will normally be charged as a violation of section 2660(k) of the Business and Professions Code.~~

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

### **Discipline:**

Minimum: Revocation, stayed, 5 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: B, E, F, H, K, L, M

*See B&P Code 2630 [page],*

*Also may cite: B&P Code 2660(k) [page] and 1399 [page]*

## **FALSE OR MISLEADING ADVERTISING B&P CODE 2271, 2660(i)<sup>1</sup>**

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

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<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act

## MISLEADING ADVERTISING B&P CODE 2272, 2660(i)<sup>1</sup>

See B&P Code Section 651 [page]

## EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS B&P CODE 2273, 2660(i)<sup>1</sup>

~~In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate~~

~~Minimum Penalty: Revocation, stayed, 30 days suspension, 3 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 3, 7, 11, 19, 20, 25~~

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: G, T

## MISUSE OF TITLES B&P CODE 2274, 2660(i)<sup>1</sup>

~~In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate~~

~~Minimum Penalty: Revocation, stayed, 90 days suspension, 3 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 5, 7, 8, 11, 12, 20, 25~~

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, T

<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act

## USE OF TITLE "DOCTOR" B&P CODE 2278, 2660(i)<sup>1</sup>

~~In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate~~

~~Minimum Penalty: Revocation, stayed, 90 days suspension, 3 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 5, 7, 8, 11, 12, 20, 25~~

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, T

## VIOLATION OF PROFESSIONAL CORPORATION ACT B&P CODE 2286, 2660(i)<sup>1</sup>, 2691

~~In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate~~

~~Minimum Penalty: Public Reproval~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: NONE~~

### **Citation:**

Minimum Fine: \$100

Maximum Fine \$5,000

### **Discipline:**

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: NONE

## IMPERSONATION OF APPLICANT IN EXAM B&P CODE 2288, 2260(i)<sup>1</sup>,

~~In addition to the filing of an Accusation or a Statement of Issues, the filing of misdemeanor criminal charges shall be sought when appropriate~~

~~Minimum Penalty: Revocation or denial of license~~

### **Discipline:**

Revocation or denial of license

Also may cite: B&P Code 2266(e) [page]
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<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act

## **IMPERSONATION PRACTICE OF MEDICINE B&P CODE 2289, 2660(i)<sup>1</sup>**

~~In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate~~

~~Minimum Penalty: Revocation, stayed, 180 days suspension, 7 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 4, 6, 8, 11, 12, 14, 20, 25~~

### **Discipline:**

~~Minimum: Revocation, stayed, 180 days suspension, 7 years probation~~

~~Maximum: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: A, D, E, F, H, I, K, M, O, T, U~~

## **~~FRAUDS ON MEDICAL RECORDS B&P CODE 2290~~**

~~In addition to the filing of an Accusation or a Statement of Issues, the filing of misdemeanor criminal charges shall be sought when appropriate~~

~~Minimum Penalty:~~

~~Fraudulent Use for Oneself Revocation~~

~~Fraudulent Use for another Revocation, stayed, 180 days, suspension, 5 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 4, 6, 7, 11, 19, 22, 25~~

<i>Note: This violation is redundant of B&amp;P Code 2660(I) and was therefore deleted.</i>
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## **~~DISCIPLINE BY ANOTHER STATE B&P CODE 2305~~**

~~Minimum Penalty: Same for similar offense in California. Probation period to coincide with probation imposed by other state.~~

~~Maximum Penalty: Same for similar offense in California.~~

~~Conditions of Probation in Addition to Standard Conditions: Same for similar offense in California. If the respondent is an applicant for licensure in California, the respondent shall be required to take the national written examination prior to issuance of California license if the applicant has not practiced within 5 years.~~

<i>Note: This was renamed, "Revocation or Suspension by Another State", see below.</i>
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<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act



REVOCATION OR SUSPENSION BY ANOTHER STATE B&P CODE 2305, 2660(i)<sup>1</sup>

**Citation:**

Minimum Fine:            \$100  
Maximum Fine:        \$5,000

**Discipline:**

If violation is an offense in California refer to corresponding statute, if not the Board shall consider the discipline order from state of discipline when determining disciplinary action.

PRACTICE DURING SUSPENSION B&P CODE 2306, 2660(i)<sup>1</sup>

In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate

Minimum Penalty: ——— Revocation is mandatory under this statute.

**Discipline:**

Revocation is mandatory under this statute.

TOPICAL MEDICATIONS B&P CODE 2620.3

**Citation:**

Minimum Fine:            \$100  
Maximum Fine:        \$5,000

*Also may cite: CCR 1399.77 [page], 1399.78, [page], 1399. [page]*

CERTIFICATION TO PENETRATE TISSUE FOR THE PURPOSE OF NEUROMUSCULAR EVALUATION B&P CODE 2620.5

**Citation:**

Minimum Fine:            \$100  
Maximum Fine:        \$5,000

**Discipline:**

Minimum:                Revocation, stayed, 5 days suspension, 3 years probation  
Maximum:               Revocation  
Conditions of Probation in Addition to Standard Conditions: D

*Also may cite: CCR 1399.61 [page]*

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<sup>1</sup> B&P Code 2660(i) authorizes the Physical Therapy Board of California to cite the Medical Practice Act

## PATIENT RECORDS B&P CODE 2620.7, CCR 1399.85

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

### **Discipline:**

Minimum:                 Public Repraval  
Maximum:               Revocation  
Conditions of Probation in Addition to Standard Conditions: A, H, U

<i>Also may cite: CCR 1399.85 [page]</i>
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## DEFINITIONS B&P CODE 2622

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

## UNLICENSED PRACTICE – PHYSICAL THERAPIST ASSISTANT PRACTICING AS A PHYSICAL THERAPIST B&P CODE 2630

~~While the issuance of an administrative citation may be issued for a violation of this section, in the case of a physical therapist assistant performing as a physical therapist, an Accusation will normally be issued.~~

~~*Minimum Penalty:*         Revocation, stayed, 90 days suspension, 5 years probation  
*Maximum Penalty:*       Revocation  
*Conditions of Probation in Addition to Standard Conditions:* 1, 2, 5, 6, 7, 8, 14, 25~~

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

### **Discipline:**

Minimum:                 Revocation, stayed, 30 days suspension, 5 years probation  
Maximum:               Revocation  
Conditions of Probation in Addition to Standard Conditions:     B, E, F, H

While the issuance of an administrative citation may be issued for a violation of this section, in the case of a physical therapist assistant performing as a physical therapist, an Accusation will be issued.

~~UNLICENSED PRACTICE – IMPROPER SUPERVISION OF A PHYSICAL  
THERAPY AIDE B&P CODE 2630 & California Administrative Code, Title  
16, Division 13.2, Article 6, Section 1399~~

~~Violations of section 2630 B&P shall result in either the issuance of an administrative citation or an Accusation. Determining factors are the severity of the violation and past violations.~~

~~Citation: Minimum Fine \$1,100, Maximum Fine \$2,500~~

~~Accusation~~

~~Minimum Penalty: Revocation, stayed, 90 days suspension, 5 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 5, 7, 8, 11, 12, 20, 25~~

~~UNLICENSED PRACTICE – IMPROPER SUPERVISION OF A PHYSICAL  
THERAPY AIDE B&P CODE 2630~~

**Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

**Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 5 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, E, H, K, M

<i>Also may cite: B&amp;P Code 2660(k) [page], CCR 1399 [page]</i>
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~~UNLICENSED PRACTICE – SUPERVISION OF MORE THAN ONE PHYSICAL  
THERAPY AIDE B&P CODE 2630 & California Administrative Code, Title  
16, Division 13.2, Article 6, Section 1399.1~~

~~Violations of this section shall result in the issuance of an administrative citation or an Accusation. Determining factors are the severity of the violation and past violations.~~

~~Citation: Minimum Fine \$1,100, Maximum Fine \$2,500~~

~~Accusation:~~

~~Minimum Penalty: Revocation, stayed, 90 days suspension, 5 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 5, 7, 8 11 12, 25~~

*Note: Section 1399.1 was repealed*

## USE OF TITLE "PHYSICAL THERAPIST" B&P CODE 2633

~~Violations of this section 2633 B&P shall result in the issuance of an administrative citation or an Accusation. Determining factors are the severity of the violation and past violations.~~

~~In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate~~

~~Citation: Minimum Fine \$1,100, Maximum Fine \$2,500~~

~~Accusation:~~

~~Minimum Penalty: Revocation, stayed, 90 days suspension, 3 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 5, 7, 8, 11, 12, 20, 25~~

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

### **Discipline:**

Minimum: Revocation, stayed, 30 days suspension, 5 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, E

## RECIPROCITY APPLICANT B&P CODE 2636.5

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

### **Citation:**

\$100

\$5,000

*Also may cite: CCR 1399.10 [page]*

## GRADUATE PRACTICE B&P CODE 2639

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

## COMPUTER ADMINSTRATED TESTING/PHYSICAL THERAPY LICENSE APPLICANT B&P CODE 2640

### **Citation:**

Minimum Fine: \$100

Maximum Fine: \$5,000

## PHYSICAL THERAPY STUDENT B&P CODE 2650.1

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

*Also may cite: CCR 1398.37 [page]*

## APPLICANTS FROM FOREIGN SCHOOLS B&P CODE 2653

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

*Also may cite: CCR 1398.26 [page]*

## NUMBER OF PHYSICAL THERAPIST ASSISTANTS SUPERVISED B&P CODE 2655.2

~~Violations of this section 2655.2 B&P shall result in the issuance of an administrative citation or an Accusation. Determining factors are the severity of the violation and past violations.~~

~~Citation:                    Minimum Fine \$1,100, Maximum Fine \$2,500~~

~~Accusation:~~

~~Minimum Penalty:        Revocation, stayed, 90 days suspension, 5 years probation~~

~~Maximum Penalty:        Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 5, 7, 8, 11, 12, 25~~

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

### **Discipline:**

Minimum:                 Revocation, stayed, 5 days suspension, 3 years probation

Maximum:                 Revocation

Conditions of Probation in Addition to Standard Conditions: A, E, K, L

## PRACTICE AUTHORIZED B&P CODE 2655.7

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

## USE OF "P.T.A." B&P CODE 2655.11

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:        \$5,000

## GRADUATE PRACTICE B&P CODE 2655.91

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:        \$5,000

## PHYSICAL THERAPIST ASSISTANT APPLICANT B&P CODE 2655.93

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:        \$5,000

*Also may cite: CCR 1399.12 [page]*

## **ADVERTISING IN VIOLATION OF SECTION B&P CODE 2260(a)**

~~Violations of section 2660(a) B&P shall result in the issuance of an administrative citation or an Accusation. Determining factors are the severity of the violation and past violations.~~

~~Violations of section 17500 B&P shall result in the issuance of an administrative citation or an Accusation. Determining factors are the severity of the violation and past violations. Sections 651, 2272 and 17500 B&P Code could also be citable violations.~~

~~Citation:                    Minimum Fine \$100, Maximum Fine \$1,000~~

~~Accusation:~~

~~Minimum Penalty:        Revocation, stayed, 5 days suspension, 1 year probation~~

~~Maximum Penalty:        Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 25,~~

*See B&P Code Section 651, [page]*

## **PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION B&P CODE 2660(b)**

~~Minimum Penalty:        Revocation is the only suitable penalty in as much as the license would not have been issued but for the fraud or misrepresentation.~~

*See B&P Code Section 2235, [page]*

## CONVICTION OF A CRIME B&P CODE 2660(d)

*Minimum Penalty:*        ~~Revocation, stayed, 30 days suspension, 3 years probation~~

*Maximum Penalty:*       ~~Revocation~~

*Conditions of Probation in Addition to Standard Conditions:* ~~1, 2, 4, 5, 8 11, 25~~

*See B&P Code 490, [page]*

## IMPERSONATION OF APPLICANT IN EXAM B&P CODE 2660(e)

*See B&P Code 2288, [page]*

## HABITUAL INTEMPERANCE B&P CODE 2660(f)

~~In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate~~

*Minimum Penalty:*        ~~Revocation, stayed, suspension until the ability to practice safely is determined, Community service, Participation in Diversion Program,~~

~~Five years probation or until satisfactory completion of the Diversion Program, whichever is longer,~~

*Maximum Penalty:*       ~~Revocation~~

*Conditions of Probation in Addition to Standard Conditions:* ~~1, 2, 4, 5, 8, 11, 13, 14, 15, 16, 17, 18, 19, 22, 25~~

*See B&P Code Section 2239, [page]*

## ADDICTION TO HABIT- FORMING DRUGS B&P CODE 2660(g)

~~In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate~~

*Minimum Penalty:*        ~~Revocation, stayed, suspension until the ability to practice safely is determined, Community service, Participation in Diversion Program,~~

~~Five years probation or until satisfactory completion of the Diversion Program, whichever is longer,~~

*Maximum Penalty:*       ~~Revocation~~

*Conditions of Probation in Addition to Standard Conditions:* ~~1, 2, 4, 5, 8, 11, 13, 14, 15, 16, 17, 18, 19, 22, 25~~

*See B&P Code 2239, [page]*

## GROSS NEGLIGENCE B&P CODE 2660(h)

~~In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate~~

### Accusation:

~~Minimum Penalty: ——— Revocation, stayed, 30 days suspension or until proficiency to practice~~

~~safely is determined, 3 years probation~~

~~Maximum Penalty: ——— Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 1, 2, 4, 5, 8, 10, 11, 14, 20, 21, 24, 25~~

See B&P Code 2234(b), [page]
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## VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE ACTS B&P CODE 2660(i)

### Citation:

Minimum Fine:            \$100

Maximum Fine:         \$5,000

### Discipline:

*See specific statute violated.*

<i>Note: B&amp;P Code 2660(i) authorizes the Physical Therapy Board of California to cite violations of the Medical Practice Act; therefore whenever violations of the Medical Practice Act are cited B&amp;P 2660(i) must also be cited</i>
--

## AIDING OR ABETTING A VIOLATION OF THE PHYSICAL THERAPY PRACTICE ACT OR REGULATIONS B&P CODE 2660(j)

~~In determining the penalty, the penalty for the specific violation should be considered along with the severity of the act of aiding and abetting.~~

### Citation:

Minimum Fine:            \$100

Maximum Fine:         \$5,000

### Discipline:

Minimum:                Public Reprimand

Maximum:               Revocation



## AIDING OR ABETTING UNLAWFUL PRACTICE B&P CODE 2660(k)

~~Violations of section 2660(k) B&P shall result in the issuance of an administrative citation or an Accusation. Determining factors are the severity of the violation and past violations.~~

~~In determining the penalty, the penalty for the specific violation should be considered along with the severity of the act of aiding and abetting..~~

Citation: Minimum Fine \$1,100 Maximum Fine \$2,500

See B&P Code 2264(b), [page]
------------------------------

## FRAUDULENT, DISHONEST OR CORRUPT ACT SUBSTANTIALLY RELATED B&P CODE 2660(l)

~~Minimum Penalty: Revocation, stayed, 5 days suspension, 1 years probation~~

~~Maximum Penalty: Revocation~~

~~Conditions of Probation in Addition to Standard Conditions: 25~~

### Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

### Discipline:

Minimum: Revocation, stayed, 5 days suspension, 3 years probation

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: G

## INFECTION CONTROL GUIDELINES B&P CODE 2660(m)

### Citation:

Minimum Fine: \$100

Maximum Fine: \$5,000

### Discipline:

Minimum: Public Reproval

Maximum: Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, C, E, F, H, J, U

## VERBAL ABUSE OR SEXUAL HARRASSMENT B&P CODE 2660(n)

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

### **Discipline:**

Minimum:                Public Reproval  
Maximum:               Revocation

Conditions of Probation in Addition to Standard Conditions: A, B, C, E, H, I, U

## SEXUAL ACTIVITY B&P CODE 2660.1

~~Minimum Penalty:~~       ~~Revocation, stayed, suspension, of 180 days, 5 years probation~~  
~~Maximum Penalty:~~       ~~Revocation~~  
~~Conditions of Probation in Addition to Standard Conditions:~~ ~~1, 2, 3, 4, 5, 6, 8, 9, 11, 14, 22, 25~~

See B&P Code 726, [page]

## CONVICTION OF CRIME B&P CODE 2661

~~Minimum Penalty:~~       ~~Revocation, stayed, 30 days suspension, 3 years probation~~  
~~Maximum Penalty:~~       ~~Revocation~~  
~~Conditions of Probation in Addition to Standard Conditions:~~ ~~1, 2, 4, 5, 8, 11, 25~~

See B&P Code 490, [page]

## EXPIRATION AND RENEWAL OF LICENSES B&P CODE 2684

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

## PHYSICAL THERAPY CORPORATION B&P CODE 2691

~~In addition to the filing of an Accusation, the filing of misdemeanor criminal charges shall be sought when appropriate~~

~~Minimum Penalty:~~       ~~Revocation, stayed, 1 year probation~~  
~~Maximum Penalty:~~       ~~Revocation~~  
~~Conditions of Probation in Addition to Standard Conditions:~~ ~~NONE~~

See B&P Code Section 2286, [page]

*Note: If a licensee violates this section it would be a criminal offense; therefore, see B&P Code 2236, [page].*

## UNPROFESSIONAL CONDUCT- CORPORATION B&P CODE 2692

### **Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

## **VIOLATION OF PROBATION**

~~*Minimum Penalty:*~~        ~~5 days suspension, 1 years extension of probation~~  
~~*Maximum Penalty:*~~      ~~Revocation~~

### **Discipline:**

Minimum:                5 days suspension, 2 years extension of probation  
Maximum:              Revocation

*NOTE: The maximum penalty should be given for repeated similar offenses or for probation violations revealing a cavalier or recalcitrant attitude.*

## **HEALTH AND SAFETY CODE**

### **ADVERTISING IN VIOLATION OF SECTION B&P CODE 17500**

*See B&P Code 651, [page]*

### **PATIENT'S ACCESS TO HEALTH CARE RECORDS H&S 123110**

**Citation:**

Minimum Fine:            \$100  
Maximum Fine:         \$5,000

**Discipline:**

Minimum:                Revocation, stayed, 5 days suspension, 3 years probation  
Maximum:               Revocation  
Conditions of Probation in Addition to Standard Conditions: G

# CALIFORNIA CODE OF REGULATIONS

## ADVERTISING, CCR 1398.10

*See B&P Code 651, [page]*

## PHYSICAL THERAPY AIDE, APPLICANT, STUDENT AND INTERN IDENTIFICATION CCR 1398.11

*See B&P Code 680, [page]*

## USE OF PREFIX, AFFIX, AND SUFFIX TO INDICATE ACADEMIC DEGREE, CCR 1398.12

### **Citation:**

Minimum Fine:            \$100

Maximum Fine:         \$5,000

## APPLICATIONS OF FOREIGN GRADUATES, CCR 1398.26

*See B&P Code 2653, [page]*

## IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST STUDENTS AND INTERNS DEFINED, CCR 1398.37

*See B&P Code 2650.1, [page]*

## SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS CCR 1398.44

~~Minimum Penalty:~~       ~~Revocation, stayed, 5 days suspension, 1 years probation~~

~~Maximum Penalty:~~       ~~Revocation~~

~~Conditions of Probation in Addition to Standard Conditions:~~ ~~8, 11, 25~~

### **Citation:**

Minimum Fine:            \$100

Maximum Fine:         \$5,000

### **Discipline:**

Minimum:                Revocation, stayed, 5 days suspension, 3 years probation

Maximum:               Revocation

Conditions of Probation in Addition to Standard Conditions: A, E, H, K, L

IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST  
ASSISTANT STUDENTS AND INTERNS DEFINED, CCR 1398.52

**Citation:**

Minimum Fine:            \$100  
Maximum Fine:        \$5,000

SUPERVISION OF PHYSICAL THERAPY AIDES, CCR 1399

See Section 2630 Regarding Improper Supervision of Physical Therapist Aides and Section 2660(k) Regarding Aiding and Abetting the Unlicensed Practice of Physical Therapy.

*See B&P Code 2630, [page]*  
*See B&P Code 2660(k), [page]*

SUPERVISION OF PHYSICAL THERAPISTS LICENSE APPLICANTS,  
CCR 1399.10

*See B&P Code 2639, [page]*

SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE  
APPLICANTS, CCR 1399.12

*See B&P Code 2665.93, [page]*

CERTIFICATION REQUIRED, CCR 1399.61

*See B&P Code 2620.5, [page]*

ADMINISTRATION OF MEDICATIONS, CCR 1399.77

*See B&P Code 2620.3, [page]*

AUTHORIZATION AND PROTOCOLS REQUIRED, CCR1399.78

*See B&P Code 2620.3, [page]*

AUTHORIZATION TOPICAL MEDICATIONS, CCR 1399.79

*See B&P Code 2620.3, [page]*

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# STANDARD PROBATION CONDITIONS

Probation conditions are divided into two categories: 1) Standard Conditions that generally appear in all probation cases; and 2) Specific Conditions that depend on the nature and circumstances of the particular case. The standard conditions generally appearing in every probation case are as follows:

**A. 1. License Revocation, stayed**

The respondent's license shall be revoked, with the revocation stayed.

**B. 2. License Suspension**

The respondent's license shall be suspended. See disciplinary guidelines for appropriate periods of suspension.

**C. 3. Cost Recovery**

~~The respondent will be ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board. The respondent will normally be ordered to make the reimbursement with 30 days from the effective date of the decision unless the Board agrees in writing to payment by an installment plan. Failure to make the ordered reimbursement or any agreed upon payment may constitute a violation of the probation order.~~

The respondent is ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of % \_\_\_\_\_ (to be determined by actual investigative and prosecutorial costs). Said costs shall be reduced, however, and the remainder forgiven, if Respondent pays % \_\_\_\_\_ of said costs, or \$ \_\_\_\_\_ (to be determined by actual investigative and prosecutorial costs), within thirty (30) days of the effective date of this Decision. In the event Respondent fails to pay within thirty (30) days of the Decision, the full amount of costs shall be immediately due and payable. Failure to pay the ordered reimbursement, or any agreed upon payment, may constitute a violation of the probation order. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board. If Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages legally available to the Board. Failure to fulfill the obligation could also result in attachment to Department of Motor Vehicle registrations and or license renewals.



**~~D.~~ 4. Obey All Laws**

Respondent shall obey all federal, state and local laws, and statutes and regulations governing the practice, inspections and reporting, of physical therapy in California and remain in full compliance with any court ordered criminal probation.

**~~E.~~ 5. Compliance with Orders of a Court**

The respondent shall be in compliance with any valid order of a court. Being found in contempt of any court order ~~may constitute~~ is a violation of probation.

**~~F.~~ 6. Compliance with Criminal Probation and Payment of Restitution**

Respondent ~~must~~ shall not violate any terms and conditions of criminal probation and shall be in compliance with any restitution ordered, payments or other orders.

**~~G.~~ 7. Quarterly Reports**

Respondent shall submit quarterly reports ~~declarations~~ under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.

**~~H.~~ 8. Probation Monitoring Program Compliance**

Respondent shall comply with the Board's probation monitoring program.

**~~I.~~ 9. Interview with the Board or it's Designee**

Respondent shall appear in person for interviews with the Board, or its designee, upon request at various intervals ~~and with reasonable notice.~~

**~~J.~~ 10. Notification of Probationer Status to Employers**

The Respondent shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of the Initial Probationary License, Statement of Issues, Accusation and the Decision and Order, or Stipulated Settlement to the employer. ~~accusation (statement of issues) and the decision and order (stipulated settlement) to the employer.~~

**~~K.~~ 11. Notification of Change of Name or Address**

The respondent shall notify the Board, in writing, of any and all ~~changes of~~ name and/or address changes within ten days.

**L. 12.            Restriction of Practice – Temporary Services Agencies**

~~Respondent may only practice or perform physical therapy in a supervised structured environment. The respondent shall not work for a temporary services agency or registry.~~

**13.                Restriction of Practice – Clinical Instructor of Physical Therapy Student Interns or Foreign Educated Physical Therapist License Applicants Prohibited.**

Respondent shall not supervise any physical therapy student interns or foreign educated physical therapist license applicants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

*Note: Language was amended and moved from Specific Condition number 11 to Standard Conditions.*

**M. 14.            Prohibited Use of Aliases**

Respondent ~~may~~ shall not use aliases and shall be prohibited from using any name which is not his/her legally-recognized name or based upon a legal change of name.

**N. 15.            ~~Work of Less Than 20 Hours per Week~~ Intermittent Work**

If the respondent works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The respondent shall notify the Board if they work less than 192 hours in a three month period.

**O. 16.            Tolling of Probation**

The period of probation shall run only during the time respondent is practicing or performing physical therapy within ~~the jurisdiction of~~ California. If, during probation, respondent does not practice or perform within ~~the jurisdiction of~~ California, respondent is required to immediately notify the probation monitor in writing of the date that respondent's is practicing or performing physical therapy ~~practice~~ is out of state, and the date of return, if any. ~~Practice~~ Practicing or performing physical therapy by the respondent in California prior to notification to the Board of the respondent's return will not be credited toward completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.

**P. 17                      Violation of Probation**

If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

**Q. 18.                      ~~Cease Practice~~ Request to Surrender License Due to Retirement, Health or Other Reasons**

Following the effective date of this probation, if respondent ceases practicing or performing physical therapy ~~(or performing as a physical therapist assistant)~~ due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation respondent may request to surrender his/her license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable, the respondent makes application for the renewal of the tendered license or makes application for a new license.

**R. 19.                      Completion of Probation**

Upon successful completion of probation, respondent's license ~~or approval~~ shall be fully restored.

**S. 20.                      California Law Examination - Written Exam on the Laws and Regulations Governing the Practice or Performance of Physical Therapy**

Within 90 Days of the effective date of this decision, respondent shall take and pass the Board's written examination on the laws and regulations governing the practice of physical therapy in California. If respondent fails to pass the examination, respondent shall be suspended from the practice of physical therapy until a repeat examination has been successfully passed.

**T. 21.                      Practice or Performance of Physical Therapy While on Probation**

It is not contrary to the public interest for the respondent to practice ~~or and/or (perform in the case of a physical therapist assistant)~~ perform physical therapy under the probationary conditions specified in the disciplinary order. Accordingly, it is not the intent of the Board that this order, the fact that the respondent has been disciplined, or that the respondent is on probation, shall be used as the sole basis for any third party payor to remove respondent from any list of approved providers.

**22.**

**Probation Monitoring Costs**

Respondent shall reimburse all costs incurred by the Board for probation monitoring during the entire period of probation. Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical Therapy Board of California. Failure to make ordered reimbursement within 60 days of the billing shall constitute a violation of the probation order.

# PROBATION CONDITIONS SPECIFIC TO VIOLATION

The disciplinary order shall specify, as appropriate throughout the order, that the respondent is a physical therapist or physical therapist assistant. Probation conditions are divided into two categories: 1) Standard Conditions that generally appear in all probation cases; and 2) Specific Conditions that depend on the nature and circumstances of the particular case. The specific conditions are as follows:

1. **A. Practice in a supervised structured environment Restriction of Practice - Supervision Required**

Respondent ~~may~~ shall only practice (~~perform~~) physical therapy under the supervision of a physical therapist who holds with a valid unrestricted license, and who is responsible for the care rendered.

(This condition applies only to a physical therapist since a physical therapist assistant may not perform physical therapy without supervision.)

2. **B. Restriction of Practice – Home Care**

The respondent shall not provide physical therapy services in a patient's home.

3. **C. Restriction of Practice – Prohibition Not to Treat Certain Patients a Specific Patient Population**

The respondent shall not treat any \_\_\_\_\_  
~~male/female/minor/senior patient~~ (name the specific patient population).

Failure to comply with any component of this condition as specified above is a violation of probation.

4. **D. Restriction of Practice – Solo Practice**

The respondent shall be prohibited from engaging in the solo practice of physical therapy.

This condition applies only to a physical therapist since a physical therapist assistant may not perform physical therapy without supervision.

5. **E. Restriction of Practice – Graveyard Shift Presence of Another Physical Therapist Required**

**Physical Therapists:** The respondent shall be prohibited from working a ~~graveyard shift or any shift in which there is no other physical therapist (for physical therapist assistants substitute “not a physical therapist”)~~ practicing on duty.

**Physical Therapist Assistants:** The respondent shall be prohibited from working a shift for which there is not a physical therapist on duty.

**6. F. Restriction of Practice – Prohibition of Self Employment or Ownership**

Respondent ~~may~~ shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Respondent ~~may~~ shall not be a Board member or an officer or have a majority interest in of any corporation that offers or provides physical therapy services. Respondent ~~may not employ physical therapists, physical therapist assistants or physical therapy aides.~~

**7. G. Restriction of Practice – Prohibition of Direct Insurance Billing of Third-Party Payers**

Respondent shall not have final approval over any physical therapy billings submitted to any third-party payers payors in any employment, ~~as a physical therapist (physical therapist assistant).~~

**8. H. Restriction of Practice – Monitoring**

Within thirty (30) days of the effective date of this decision, the respondent shall select a licensed physical therapist to serve as the professional practice monitor during the period of probation and submit the name of the licensed physical therapist selected to the Board for approval. The professional practice monitor shall be selected from an established pool of physical therapists licensed to practice in the State of California who are currently serving as trained expert consultants to the Board. After the professional practice monitor has been approved by the Board, the professional practice monitor in conference with the Board's probation monitor will establish the schedule upon which clinical visits will be made to respondent's place of employment to review respondent's current practice and respondent's adherence to the terms of probation. The professional practice monitor shall report to the Board's probation monitor on compliance with the terms and conditions of the respondent's probation after each clinical visit. The report shall indicate whether respondent's practices are within the standards of practice of physical therapy or billing, or both, and whether respondent is practicing physical therapy safely, billing appropriately or both.

Should the professional practice monitor resign or no longer be available, the Board shall within 15 days, appoint another physical therapist from the pool of expert consultants.

Respondent shall pay all monitoring costs, including the cost of the professional practice monitor within a timeframe agreed upon by the professional practice monitor but shall not exceed more than 15 days succeeding each clinical visit.

Respondent shall make all patient records available for immediate inspection by the professional practice monitor at all times, or for copying on premises, and shall retain all records for the entire term of probation.

Respondent shall make all appropriate records available for immediate inspection by the Board's probation monitor at all times, or for copying on premises, and shall retain all records for the entire term of probation.

Failure to comply with any component of this condition as specified above is a violation of probation.

#### **9. I. Restriction of Practice – Third Party Presence**

During probation, respondent shall have a third party present while examining or treating \_\_\_\_\_ (name the specific patient population) male/female/minor/senior patients. Respondent shall, within 10 days of the effective date of the decision, submit to the Board or its designee for its approval the name(s) of person(s) who will act as the third party present. The respondent shall execute a release authorizing the third party present to divulge any information that the Board may request during interviews by the probation monitor on a periodic basis. The person(s) acting in the role of the third party present shall be provided with a copy of the Accusation and Decision and Order.

#### **10. J. Restriction of Practice – Incompetence**

During probation, respondent is prohibited from performing or supervising the performance of (ex: -) and inform applicable patients that respondent is unable to perform an indicated procedure. \_\_\_\_\_ (specific physical therapy procedure; on a specific patient population). After the effective date of this Decision, the first time that a patient seeking the prohibited services makes an appointment, respondent shall orally notify the patient that respondent does not perform \_\_\_\_\_ (e.g. a specific physical therapy procedure ; on a specific patient population). Respondent shall maintain a log of all patients to whom the required notification was made. The log shall contain the: 1) patient's name, address and phone number; patient's medical record number, if available; 3) the full name of the person making the notification; 4) the date the notification was made; and 5) a description of the notification given. Respondent shall keep this log in a separate file or ledger, in chronological order, shall make the log available for immediate inspection and copying on the premises at all times during business hours by the professional practice monitor or the Board's probation monitor, and shall retain the log for the entire term of probation. Failure to maintain a log as defined in the section, or to make the log available for immediate inspection and copying on the premises during business hours is a violation of probation.

In addition to the required oral notification, after the effective date of this Decision, the first time that a patient who seeks the prohibited services presents to respondent, respondent shall provide a written notification to the patient stating that respondent does not perform \_\_\_\_\_ (e.g. a specific physical therapy procedure; on a specific patient population) respondent shall maintain a copy of the written notification in the patient's file, shall make the notification available for immediate inspection and copying on the premises at all times during business hours by the professional practice monitor or the Board's probation monitor, and shall retain the notification for the entire term of probation. Failure to maintain the notification as defined in the section, or to make the notification available for immediate inspection and copying on the premises during business hours is a violation of probation.

If respondent can demonstrate competency in performing \_\_\_\_\_ (e.g. a specific physical therapy procedure; on a specific patient population) to the satisfaction of the professional performance monitor, the professional performance monitor can recommend to the Board that this term of the probation

end. The Board will make the decision and notify the respondent of its decision in writing. Until the respondent has been notified in writing by the Board that this term has been terminated the respondent shall continue to practice under the provision of this term.

**11. ~~Restriction of Practice—No Employment or Supervision of Physical Therapy Student Interns~~**

~~Respondent shall not supervise any physical therapy student interns during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.~~

*Note: This Specific Condition was moved to Standard Condition number 13.*

**12. K. Restriction of Practice – No Employment or Supervision of Physical Therapist License Applicants, Physical Therapist Assistant License Applicants, ~~Physical Therapist Assistants, or Physical Therapy Aides~~**

Respondent shall not supervise any physical therapist license applicants, or physical therapist assistant applicants, ~~physical therapist assistants or physical therapy aides~~ during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

**L. Restriction of Practice – No Employment or Supervision of Physical Therapist Assistants**

Respondent shall not supervise any physical therapist assistants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision.

**M. Restriction of Practice – No Employment or Supervision of Physical Therapy Aides**

Respondent shall not supervise any physical therapy aides during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this Decision.

**13. N. Restriction of Practice – Administration or Possession of Controlled Substances**

Respondent shall not administer or possess any controlled substances as defined in the California Uniform Controlled Substances Act. This prohibition does not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications.



#### **14. Q. Notification to Patients**

The respondent shall notify all current and potential patients of any term or condition of probation, which will affect their treatment, or the confidentiality of their records (such as a condition for a professional practice monitor. Such notification shall be signed and dated by each patient prior to the commencement or continuation of any examination or treatment of each patient by the respondent and a copy of such notification shall be maintained in the patient's record.

Failure to comply with any component of this condition as specified above is a violation of probation.

#### **15. P. Prohibition of Possession or Use of Controlled Substances**

Respondent shall abstain completely from the personal use or possession of controlled substances as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications.

Failure to comply with any component of this condition as specified above is a violation of probation.

#### **16. Q. Prohibition of the Use of Alcohol**

Respondent shall abstain completely from the use of alcoholic beverages.

Failure to comply with any component of this condition as specified above is a violation of probation.

#### **17. R. Biological Fluid Testing**

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon the request of the Board or its designee.

Failure to comply with any component of this condition as specified above is a violation of probation.

#### **18. S. Diversion Program**

Within 15 days from the effective date of this decision, respondent shall enroll and participate in the Board's Diversion Program at Respondent's cost until the Board determines that participation in the Diversion Program is no longer necessary. Failure to comply with requirements of the Diversion Program, terminating the program without permission or being expelled for cause shall constitute a violation of probation by respondent.

Failure to comply with any component of this condition as specified above is a violation of probation.

#### **19. T. Community Services**

The respondent shall be required to provide community service without compensation within the State of California as part of the probation. The respondent shall submit for prior approval a community service program to the Board or its designee.

Notes:

- 1) ~~In quality of care cases, only non physical therapy community service is allowed unless respondent passes competency exam or otherwise demonstrates competency prior to providing community service.~~
- 2) 1) When community service is substituted for suspension from practice, ~~475~~ 160 hours of community service shall be considered equivalent to 30 days of actual suspension.

Always add this specific condition whenever community service is substituted for suspension.

#### **20. U. Education Course**

Within 30 days of the effective date of this Decision, respondent shall submit to the Board, or its designee, for prior approval, a physical therapy remedial educational program in \_\_\_\_\_ (e.g. specify course) ~~including any courses which may be designated by the Board which shall not be less than 20 hours. Following the completion of each course, the Board or its designee may administer an examination to test respondent's competency or otherwise demonstrates competency of the subject.~~

Respondent shall supply documentation verifying satisfactory completion of coursework. This will be signed by the instructor(s) of the courses and evidence, if applicable, of passing grades on exams/tests given by the instructor.

Failure to comply with any component of this condition as specified above is a violation of probation.

#### **21. Clinical Training Program**

~~Within 30 days of the effective date of this decision, respondent shall submit to the board or its designee for prior approval a physical therapy clinical training program. The exact number of hours and specific content of the program shall be determined by the Board or its designee. Respondent shall successfully complete the training program and may be required to pass an examination administered by the Board or its designee, or otherwise demonstrates competency, related to the clinical training program.~~

## **22. Psychiatric/Psychological Evaluation and Treatment**

~~Within 30 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall undergo a psychiatric/psychological evaluation (and psychological testing, if deemed necessary) by a Board-appointed psychiatrist/psychologist, who shall furnish an evaluation report to the Board or its designee. The respondent shall pay the cost of the psychiatric/psychological evaluation.~~

~~If respondent is required by the Board or its designee to undergo psychiatric/psychological treatment, respondent shall within 30 days of the requirement submit to the Board for its prior approval the name and qualifications of a psychiatrist/psychologist of respondent's choice. Respondent shall undergo and continue psychiatric/psychological treatment until further notice from the Board or its designee. Respondent shall have the treating psychiatrist/psychologist submit quarterly status reports to the Board or its designee indicating whether the respondent is capable of practicing physical therapy safely.~~

### *~~Optional Condition~~*

~~Respondent shall not engage in the practice of physical therapy until notified by the Board or its designee of its determination that respondent is mentally fit to practice safely.~~

## **V. Psychiatric Evaluation**

Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board –appointed board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within 15 calendar days after being notified by the Board or its designee. Failure to undergo and complete a psychiatric evaluation and psychological testing, or comply with the required additional conditions or restrictions, is a violation of probation.

### (Option: Condition Precedent)

Respondent shall not engage in the practice of physical therapy until notified by the Board or its designee that respondent is mentally fit to practice physical therapy safely. The period of time that respondent is not practicing physical therapy shall not be counted toward completion of the term of probation.

## **W. Psychotherapy**

Within 60 calendar days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval the name and qualifications of a board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, respondent shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychotherapist any information and documents that the psychotherapist may deem pertinent. Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or its designee. The Board or its designee may require respondent to undergo psychiatric evaluations by a Board-appointed board certified psychiatrist.

If, prior to the completion of probation, respondent is found to be mentally unfit to resume the practice of physical therapy without restrictions, the Board shall remain continuing jurisdiction over respondent's license and the period of probation shall be extended until the Board determines that respondent is mentally fit to resume the practice of physical therapy without restrictions. Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

Failure to undergo and continue psychotherapy treatment, or comply with any required modification in the frequency of psychotherapy, is a violation of probation.

Note: This condition is for those cases where the evidence demonstrates that the respondent has had Impairment (impairment by mental illness, alcohol abuse and/or drug self-abuse) related to the violations but is not at present a danger to respondent's patients.

## **23- X. Medical Evaluation**

Within 30 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall undergo a medical evaluation by a Board appointed physician and surgeon, who shall furnish a medical report to the Board or its designee. The respondent shall pay the cost of the medical evaluation.

If respondent is required by the Board or its designee to undergo medical treatment, respondent shall within 30 days of the requirement submit to the Board for its prior approval the name and qualifications of a physician and surgeon of respondent's choice. Upon approval of the treating physician and surgeon, respondent shall undergo and continue medical treatment until further notice from the Board or its designee. Respondent shall have the treating physician and surgeon submit quarterly status reports to the Board or its designee indicating whether the respondent is capable of practicing physical therapy safely.

### *Optional Condition*

Respondent shall not engage in the practice of physical therapy until notified by the Board or its designee of its determination that respondent is medically fit to practice safely.

#### **24 Y. Medical Treatment**

Within 15 days of the effective date of this decision, respondent shall submit to the Board or its designee for its prior approval the name and qualifications of a physician of respondent's choice. Upon approval, respondent shall undergo and continue medical treatment until the Board or its designee deems that no further medical treatment is necessary. Respondent shall have the treating physician submit quarterly status reports to the Board or its designee indicating whether respondent is capable of practicing physical therapy safely. The Board or its designee may require respondent to undergo periodic medical evaluations by a Board appointed physician. The respondent shall pay the cost of the medical treatment.

#### **25. Probation Monitoring Costs**

~~All costs incurred by the Board for probation monitoring during the entire period of probation shall be reimbursed by respondent. Respondent will be billed at least quarterly. Failure to make the ordered reimbursement within 60 days of the billing shall constitute a violation of the probation order. (NOTE: This condition may only utilized in stipulated settlements.) In addition to the filing of an Accusation or the issuance of an administrative citation, the filing of criminal charges shall be sought when appropriate.~~

Note: This Specific Condition was moved to Standard Condition number 22.

## GLOSSARY OF TERMS

**Accusation** – Charges filed against a licensee alleging violation(s) of the Physical Therapy Practice Act.

**Business and Professions Code (B&P)** – The statutes in law that govern the practice of physical therapy. The Physical Therapy Practice Act begins with section 2600 of the Business and Professions Code. There are some sections of law named in this document that affect the practice of physical therapy but are not included in the Physical Therapy Practice Act. The Physical Therapy Practice Act can be accessed through the Physical Therapy Board of California website at [www.ptb.ca.gov](http://www.ptb.ca.gov).

**California Code of Regulations (CCR)** – Regulations define the statutes (laws) that govern the practice of physical therapy. The regulations specific to physical therapy are located in Title 16, Chapter 13.2, Article 6 of the California Code of Regulations and can be accessed through the Physical Therapy Board of California website at [www.ptb.ca.gov](http://www.ptb.ca.gov).

**Citation and Fine Order** – A means of addressing relatively minor violations, which would not warrant discipline in order to protect the public. Citations and Fine Orders are not disciplinary actions, but are matters of public record for seven years.

**Decision** – The order of the Board in a disciplinary action.

**Default Decision** – Licensee fails to respond to Accusation by filing a Notice of Defense or fails to appear at an administrative hearing.

**Health and Safety Code (H&S)** – Statutes of law contained in the Health and Safety Code that affect the practice of physical therapy. These statutes can be accessed through the Physical Therapy Board of California website at [www.ptb.ca.gov](http://www.ptb.ca.gov).

**Initial Probationary License** - The Board may in its sole discretion issue a probationary license to any applicant for licensure who is guilty of unprofessional conduct but who has met all other requirements for licensure

**Interim Suspension Order** – An order issued upon petition, suspending a licensee from all or a specified part of his or her physical therapy practice.

**Petition to Revoke Probation** – Charges filed against a probationer seeking revocation of their physical therapy license based upon violation(s) of probation.

**Probation Topped** - Credit for time served towards the probationary period does not begin until the probationer commences practice in the State of California.

**Letter of Public Reprimand** - A formal public reprimand issued by the Board, which could be in lieu of filing a formal accusation.

**Revoked** – The right to practice is ended.

**Revoked, stayed, probation** – “Stayed” means the revocation is postponed, put off. Professional practice may continue so long as the licensee complies with specific probationary terms and conditions. Violation of probation may result in the revocation that was postponed.

**Statement of Issues** – Charges filed against an applicant to deny licensure due to alleged violation(s) of the Physical Therapy Practice Act.

**Surrender of License** – The licensee turns in the license, subject to acceptance by the board. The right to practice is ended.

**Suspension** – The licensee is prohibited from practicing for a specific period.

# ALPHABETICAL VIOLATION INDEX

## Page

ADDICTION TO HABIT- FORMING DRUGS B&P 2660(g)  
ADMINISTRATION OF MEDICATIONS, CCR 1399.77  
ADVERTISING IN VIOLATION OF SECTION B&P 17500  
ADVERTISING VIOLATIONS B&P 651  
ADVERTISING, CCR 1398.10  
AIDING AND ABETTING UNLICENSED PRACTICE B&P 2264  
AIDING OR ABETTING A VIOLATION OF THE PHYSICAL THERAPY  
PRACTICE ACT OR REGULATIONS B&P 2660(j)  
AIDING OR ABETTING UNLAWFUL PRACTICE B&P 2660(k)  
ALTERATION OF MEDICAL RECORDS B&P 2262  
APPLICANTS FROM FOREIGN SCHOOLS B&P 2653  
AUTHORIZATION AND PROTOCOLS REQUIRED, CCR 1399.78  
AUTHORIZATION TOPICAL MEDICATIONS, CCR 1399.79  
CERTIFICATION REQUIRED, CCR 1399.61  
CERTIFICATION TO PENETRATE TISSUE FOR THE PURPOSE OF  
NEUROMUSCULAR EVALUATION 2620.25  
COMPLIANCE WITH CHILD SUPPORT ORDERS AND JUDGMENTS 490.5  
COMPUTER ADMINSTRATED TESTING/PHYSICAL THERAPY  
LICENSE APPLICANT B&P 2640  
CONSIDERATION FOR REFERRALS PROHIBITED B&P 650  
CONVICTION OF A CRIME B&P 2660(d)  
CONVICTION OF CRIME B&P 2661  
CONVICTION RELATED TO DRUGS B&P 2237  
CRIMINAL CONVICTION B&P 2236, 2660(d) and 2661  
DEFINITIONS B&P 2622  
DISCLOSURE OF NAME AND LICENSE STATUS B&P 680 & CCR 1398.11  
EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS B&P 2273  
EXCESSIVE TREATMENTS B&P 725  
EXAM SECURITY B&P 496  
EXPIRATION AND RENEWAL OF LICENSES B&P 2684  
FALSE OR MISLEADING ADVERTISING B&P 2271  
FALSE STATEMENTS IN AFFIDAVITS B&P 583  
FALSE STATEMENTS ON APPLICATION B&P 499  
FRAUDULENT, DISHONEST OR CORRUPT ACT SUBSTANTIALLY RELATED B&P 2660(l)  
GRADUATE PRACTICE B&P 2639  
GRADUATE PRACTICE B&P 2655.91  
GROSS NEGLIGENCE B&P 2234(b), 2660(h)  
GROSS NEGLIGENCE B&P 2660(h)  
HABITUAL INTEMPERANCE B&P 2660(f)  
IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST ASSISTANT STUDENTS  
AND INTERNS DEFINED, CCR 1398.52  
IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST STUDENTS  
AND INTERNS DEFINED, CCR 1398.37  
IMPERSONATION AT EXAMINATIONS B&P 584  
IMPERSONATION OF APPLICANT IN EXAM B&P 2288, 2660(e)  
IMPERSONATION PRACTICE OF MEDICINE B&P 2289  
INCOMPETENCE B&P 2234(d)  
INFECTION CONTROL GUIDELINES B&P 2660(m)  
LICENSURE BY FRAUD B&P 498  
MAKING FALSE DOCUMENTS B&P 2261  
MENTAL OR PHYSICAL ILLNESS B&P 820  
MISLEADING ADVERTISING B&P 2272  
MISUSE OF TITLES B&P 2274  
NEUROMUSCULAR EVALUATION B&P 2620.5, CCR 1399.61  
NUMBER OF PHYSICAL THERAPIST ASSISTANTS SUPERVISED B&P 2655.2  
NUTRITIONAL ADVICE B&P 2068  
PATIENT RECORDS B&P 2620.7  
PATIENT'S ACCESS TO HEALTH CARE RECORDS H&S 123110



PHYSICAL THERAPIST ASSISTANT APPLICANT B&P 2655.93  
 PHYSICAL THERAPY CORPORATION B&P 2691  
 PHYSICAL THERAPY STUDENT B&P 2650.1  
 PRACTICE AUTHORIZED B&P 2655.7  
 PRACTICE DURING SUSPENSION B&P 2306  
 PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION B&P 2660(b)  
 PROCURING LICENSE BY FRAUD 2235, 2660(b)  
 RECIPROCITY APPLICANT B&P 2636.5  
 REPEATED NEGLIGENT ACTS B&P 2234(C)  
 REVOCATION OR SUSPENSION BY ANOTHER STATE B&P 2305  
 SALE OF DEGREE B&P 580  
 SELF ABUSE OF DRUGS B&P 2239  
 SEXUAL ACTIVITY B&P 2660.1  
 SEXUAL MISCONDUCT B&P 726  
 SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM B&P 123  
 SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE  
     APPLICANTS, CCR 1399.12  
 SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS. CCR 1398.44  
 SUPERVISION OF PHYSICAL THERAPISTS LICENSE APPLICANTS, CCR 1399.10  
 SUPERVISION OF PHYSICAL THERAPY AIDES, B&P 2630  
 SUPERVISION OF PHYSICAL THERAPY AIDES. CCR 1399  
 TOPICAL MEDICATIONS B&P 2620.3,  
 TOPICAL MEDICATIONS B&P 2620.3, CCR 1399.77, 1399.78, 1399.79  
 UNLAWFUL PROCUREMENT OR ALTERATION (OF A LICENSE), B&P 581  
 UNLICENSED PRACTICE – IMPROPER SUPERVISION OF A PHYSICAL OF A PHYSICAL  
     THERAPY AIDE, CCR 1399  
 UNLICENSED PRACTICE – PHYSICAL THERAPIST ASSISTANT PRACTICING AS A  
     PHYSICAL THERAPIST B&P 2630  
 UNPROFESSIONAL CONDUCT- CORPORATION B&P 2692  
 USE OF “P.T.A.” B&P 2655.11  
 USE OF FRAUDULENT RECORDS B&P 582  
 USE OF PREFIX, AFFIX, AND SUFFIX TO INDICATE ACADEMIC  
 DEGREE, CCR 1398.12  
 USE OF TITLE “DOCTOR” B&P 2278  
 USE OF TITLE “PHYSICAL THERAPIST” B&P 2633  
 VERBAL ABUSE OR SEXUAL HARRASSMENT B&P 2660(n)  
 VIOLATION OF DRUG STATUTES B&P 2238  
 VIOLATION OF PROBATION  
 VIOLATION OF PROFESSIONAL CONFIDENCE B&P 2263  
 VIOLATION OF PROFESSIONAL CORPORATION ACT B&P 2286. 2691  
 VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE ACTS B&P 2660(i)

# VIOLATION CODE INDEX

## Business and Professions Code

## Page

123	SUBVERTING OR ATTEMPTING TO SUBVERT A LICENSING EXAM
490.5	COMPLIANCE WITH CHILD SUPPORT ORDERS AND JUDGMENTS
496	VIOLATION OF EXAM SECURITY
498	LICENSURE BY FRAUD
499	FALSE STATEMENTS ON APPLICATION
580	SALE OF DEGREE
581	UNLAWFUL PROCUREMENT OR ALTERATION
582	USE OF FRAUDULENT RECORDS
583	FALSE STATEMENTS IN AFFIDAVITS
584	IMPERSONATION AT EXAMINATIONS
650	CONSIDERATION FOR REFERRALS PROHIBITED
651	ADVERTISING VIOLATIONS B&P
680	DISCLOSURE OF NAME AND LICENSE STATUS
725	EXCESSIVE TREATMENTS
726	SEXUAL MISCONDUCT
820	MENTAL OR PHYSICAL ILLNESSES
2068	NUTRITIONAL ADVICE
2234(b)	GROSS NEGLIGENCE
2234(c)	REPEATED NEGLIGENT ACTS B&P
2234(d)	INCOMPETENCE B&P
2235	PROCURING LICENSE BY FRAUD
2236	CRIMINAL CONVICTION
2237	CONVICTION RELATED TO DRUGS
2238	VIOLATION OF DRUG STATUTES B&P 2238
2239	SELF ABUSE OF DRUGS
2261	MAKING FALSE DOCUMENTS
2262	ALTERATION OF MEDICAL RECORDS
2263	VIOLATION OF PROFESSIONAL CONFIDENCE
2264	AIDING AND ABETTING UNLICENSED PRACTICE
2271	FALSE OR MISLEADING ADVERTISING
2272	MISLEADING ADVERTISING
2273	EMPLOYMENT OF RUNNERS, CAPPERS AND STEERERS
2274	MISUSE OF TITLES
2278	USE OF TITLE "DOCTOR"
2286	VIOLATION OF PROFESSIONAL CORPORATION ACT
2288	IMPERSONATION OF APPLICANT IN EXAM
2289	IMPERSONATION PRACTICE OF MEDICINE
2305	REVOCATION OR SUSPENSION BY ANOTHER STATE
2306	PRACTICE DURING SUSPENSION
2620.3	TOPICAL MEDICATIONS
2620.5	CERTIFICATION TO PENETRATE TISSUE FOR THE PURPOSE OF NEUROMUSCULAR EVALUATION
2620.7	PATIENT RECORDS
2622	DEFINITIONS
2630	UNLICENSED PRACTICE – PHYSICAL THERAPIST ASSISTANT PRACTICING AS A PHYSICAL THERAPIST
2630	UNLICENSED PRACTICE – IMPROPER SUPERVISION OF A PHYSICAL THERAPY AIDE
2633	USE OF TITLE "PHYSICAL THERAPIST"
2636.5	RECIPROCITY APPLICANT
2639	GRADUATE PRACTICE
2640	COMPUTER ADMINISTRATED TESTING/PHYSICAL THERAPY LICENSE APPLICANT

## **Business and Professions Code**

## **Page**

2650.1	PHYSICAL THERAPY STUDENT
2653	APPLICANTS FROM FOREIGN SCHOOLS
2655.2	NUMBER OF PHYSICAL THERAPIST ASSISTANTS SUPERVISED
2655.7	PRACTICE AUTHORIZED
2655.11	USE OF "P.T.A."
2655.91	GRADUATE PRACTICE
2655.93	PHYSICAL THERAPIST ASSISTANT APPLICANT
2660(b)	PROCURING A LICENSE BY FRAUD OR MISREPRESENTATION
2660(d)	CONVICTION OF A CRIME
2660(f)	HABITUAL INTEMPERANCE
2660(g)	ADDICTION TO HABIT- FORMING DRUGS
2660(h)	GROSS NEGLIGENCE
2660(i)	VIOLATION OF THE PHYSICAL THERAPY OR MEDICAL PRACTICE ACTS
2660(j)	AIDING OR ABETTING A VIOLATION OF THE PHYSICAL THERAPY PRACTICE ACT OR REGULATIONS
2660(k)	AIDING OR ABETTING UNLAWFUL PRACTICE
2660(l)	FRAUDULENT, DISHONEST OR CORRUPT ACT SUBSTANTIALLY RELATED
2660(m)	INFECTION CONTROL GUIDELINES)
2660(n)	VERBAL ABUSE OR SEXUAL HARRASSMENT
2660.1	SEXUAL ACTIVITY
2662	CONVICTION OF CRIME
2684	EXPIRATION AND RENEWAL OF LICENSES
2691	PHYSICAL THERAPY CORPORATION
2692	UNPROFESSIONAL CONDUCT- CORPORATION
17500	ADVERTISING IN VIOLATION OF SECTION VIOLATION OF PROBATION

## **Health and Safety Code**

123110	PATIENT'S ACCESS TO HEALTH CARE RECORDS
17500	ADVERTISING IN VIOLATION OF SECTION

## **California Code of Regulations**

1398.10	ADVERTISING, CCR 1398.10
1398.12	USE OF PREFIX, AFFIX, AND SUFFIX TO INDICATE ACADEMIC DEGREE
1398.37	IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST STUDENTS AND INTERNS DEFINED
1398.44	SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS
1398.52	IDENTIFICATION AND SUPERVISION OF PHYSICAL THERAPIST ASSISTANT STUDENTS AND INTERNS DEFINED
1399	SUPERVISION OF PHYSICAL THERAPY AIDES
1399.10	SUPERVISION OF PHYSICAL THERAPISTS LICENSE APPLICANTS
1399.12	SUPERVISION OF PHYSICAL THERAPIST ASSISTANT LICENSE APPLICANTS
1399.61	CERTIFICATION REQUIRED
1399.77	ADMINISTRATION OF MEDICATIONS
1399.78	AUTHORIZATION AND PROTOCOLS REQUIRED
1399.79	AUTHORIZATION TOPICAL MEDICATIONS